

Mackil, Molly J. (DNREC)

From: Defriece John R. (DNREC)
Sent: Tuesday, November 16, 2010 11:14 AM
To: Chase Marla K. (DNREC)
Subject: "Administratively Complete Letter" For Allens Family Foods
Attachments: Allens_FF.NPDES Admin Complete Form Letter.pdf

Marla,

Please print the attachment and give to Rob for his signature.

Thanks!

John

John R. DeFriece, P.E.
Program Manager I
Discharge Permits Program
Surface Water Discharges Section
Division of Water Resources
DNREC
89 Kings Hwy.
Dover, De. 19901

Phone: (302)739-9946
Fax: (302)-739-8369

Mackil, Molly J. (DNREC)

From: Underwood Robert (DNREC)
Sent: Thursday, August 25, 2011 9:34 AM
To: Defriece John R. (DNREC); Davis Glenn F. (DNREC)
Cc: Mackil Molly J. (DNREC); Chase Marla K. (DNREC); Wirick Katherine R. (DNREC)
Subject: Allen Family Foods (DE0000299) Name Change to Allen Harim Foods LLC
Attachments: DE0000299 Allen Family Foods Change of Ownership Dated 8-24-11.pdf

John,

Attached is the request from the new ownership of what was Allen Family Foods LLC. The new ownership is requesting the permit be reissued in the new name of Allen Harim Foods LLC. I will file the original in the files and will update the receipt of the letter in the database. Once you have reviewed the information and have everything you need please make sure Katie and Marla knows so they can make the changes on their end.

Rob

Robert Underwood
Environmental Program Manager II
DNREC- Division of Water / Surface Water Discharges Section
89 Kings Highway
Dover, De. 19901
Phone (302)739-9946 Fax (302)739-8369
Email: Robert.Underwood@state.de.us

Mackil, Molly J. (DNREC)

From: Gary Lasako <gklasako@bpenvironmental.net>
Sent: Friday, October 08, 2010 7:55 AM
To: Defriece John R. (DNREC)
Cc: 'Lou Ann Parson'
Subject: AL-130-18; Harbeson NPDES renewal

John,

It was nice speaking with you yesterday afternoon. As I stated, BP Environmental, Inc. is assisting Allen's in completing the NPDES Renewal Application for Harbeson. Per our conversation, we will obtain all the required data to complete EPA Form 2C – Item V for Outfall 001. For Outfalls 002 and 003, there has been no recordable discharge from these outfalls in the last three years, and this will be noted in the application.

Feel free to contact me, if needed.

Best Regards,

Gary Lasako
Field Scientist
BP Environmental, Inc.
P: 410.745.0919 / 302.629.6505
F: 410.745.0922 / 302.629.6722

Mackil, Molly J. (DNREC)

From: Defriece John R. (DNREC)
Sent: Wednesday, October 19, 2011 1:36 PM
To: Chase Marla K. (DNREC)
Subject: Allen's Ownership Trans.
Attachments: Allen_Harim.OwnershipChange.L_20110830.docx

Marla,

Rob asked me to send this to you to print on letterhead.

Please give letterhead hardcopy to Rob for his signature.

Thanks!

John

John R. DeFriece, P.E.
Program Manager I
Discharge Permits Program
Surface Water Discharges Section
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Mackil, Molly J. (DNREC)

From: Defriece John R. (DNREC)
Sent: Tuesday, August 30, 2011 3:29 PM
To: Underwood Robert (DNREC)
Cc: Chase Marla K. (DNREC)
Subject: Allens Name Change docs. for your signature
Attachments: Allen.Permit_Final.20110825.doc; Allen_Harim.OwnershipChange.L_20110830.docx

Rob,

The "Allen.Permit ..." attachment is the full permit (for saving in the F:\ permits folder), with the page 1 changes for the ownership transfer.

The other attachment is a cover letter. Cc: mailing address for Mike Sause (contact at the Harbeson site) is

Allen Harim Foods, LLC
18572 Harbeson Rd.
Harbeson, Delaware 19951

John

John R. DeFriece, P.E.
Program Manager I
Discharge Permits Program
Surface Water Discharges Section
Division of Water Resources
DNREC
89 Kings Hwy.
Dover, De. 19901

Phone: (302)739-9946
Fax: (302)-739-8369

From: Lou Ann Parson [<mailto:laparson@bpenvironmental.net>]
Sent: Tuesday, August 30, 2011 3:15 PM
To: Defriece John R. (DNREC)
Subject: RE: Need specific date AI-130-18

John,

As soon as we hung up.... I got approval,

The change on the permit is correct

Thank you in advance for your prompt attention to this transfer.

LA

We moved! Our new address and phone number is :

Lou Ann Parson, President
BP Environmental, Inc.
8615 Commerce Drive, Unit One
Easton, MD 21601

P: 410.819.0919
F: 410.819.6555

From: Defriece John R. (DNREC) [<mailto:John.DeFriece@state.de.us>]
Sent: Tuesday, August 30, 2011 3:02 PM
To: 'Lou Ann Parson'
Subject: RE: Need specific date AI-130-18

Lou Ann,

I think we are good to go. The attachment shows the changes needed in the permit (only affects page 1).

Please double-check me. I will forward it for signature if it passes check, and I hear back from you.

Thanks,

John

John R. DeFriece, P.E.
Program Manager I
Discharge Permits Program
Surface Water Discharges Section
Division of Water Resources
DNREC
89 Kings Hwy.
Dover, De. 19901

Phone: (302)739-9946
Fax: (302)-739-8369

From: Lou Ann Parson [<mailto:laparson@bpenvironmental.net>]
Sent: Tuesday, August 30, 2011 2:30 PM
To: Defriece John R. (DNREC)
Subject: RE: Need specific date AI-130-18

Mr. DeFriece,

Hope all is well after Irene,

This is a follow up to our conversation concerning the transfer of the Allen's Harbeson- NPDES permit to Allen Harim Foods, LLC.

The transfer date is September 6, 2011.

Contact person will be Tom Miller, VP 302-629-9163.

Please feel free to contact me if you have any questions.

Thank you again.

LA

We moved! Our new address and phone number is :

Lou Ann Parson, President

BP Environmental, Inc.

8615 Commerce Drive, Unit One

Easton, MD 21601

P: 410.819.0919

F: 410.819.6555

From: Defriece John R. (DNREC) [<mailto:John.DeFriece@state.de.us>]

Sent: Thursday, August 25, 2011 2:13 PM

To: 'LAParson@BPEnvironmental.net'

Cc: Gary Lasako (gklasako@bpenvironmental.net)

Subject: Need specific date

Ms. Parson,

Permit pg. 22.

- b. In the event of a change in ownership or control of the facilities from which the authorized discharge(s) emanate(s), this permit may be transferred if the permittee:
 - 1) Notifies the Department, in writing, of the proposed transfer, in advance; and
 - 2) Submits to the Department a written agreement signed by all parties to the transfer, containing a specific date for transfer of permit responsibility, coverage and liability to the new permittee. The written agreement shall expressly acknowledge the current permittee is responsible and liable for compliance with the terms and conditions of this permit up to the date of transfer and the new permittee is responsible and liable for compliance from that date on; and
 - 3) The Department within thirty (30) days of receipt of the notification of the proposed transfer does not notify the current permittee and the new permittee of its intent to modify, to revoke and reissue or to terminate this permit and require that a new application be submitted.

John R. DeFriece, P.E.
Program Manager I
Discharge Permits Program
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From: Underwood Robert (DNREC)
Sent: Monday, September 19, 2011 8:20 AM
To: Davis Glenn F. (DNREC); Defriece John R. (DNREC); Wirick Katherine R. (DNREC)
Cc: Chase Marla K. (DNREC); Mackil Molly J. (DNREC); Krumrine Beth L. (DNREC)
Subject: DE0000299 Allen Harim Foods LLC -- Name Change
Attachments: DE0000299 Allen Harim Foods LLC, (Cover Page) Effective 9.6.11.pdf

Good morning, attached is the cover page for the NPDES DE0000299 that is being sent to Allen Harim Food, LLC. As everyone probably already knows Allen Family Foods filed for bankruptcy and was bought by a Korean company and thus the new name. This is not a reissuance of the permit with new TMDL waste load allocations but simply a name change to reflect the new ownership of the facility.

The permit reflecting the new name will be saved on the "F" drive under the NPDES permit folder. It was too big to send out ~10MB.

Rob

Robert Underwood
Environmental Program Manager II
DNREC- Division of Water / Surface Water Discharges Section
89 Kings Highway
Dover, De. 19901
Phone (302)739-9946 Fax (302)739-8369
Email: Robert.Underwood@state.de.us

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Sent: Thursday, July 21, 2011 11:33 AM
To: Underwood Robert (DNREC); Davis Glenn F. (DNREC)
Cc: Wirick Katherine R. (DNREC); Krumrine Beth L. (DNREC); Mann Stephen M. (DNREC)
Subject: RE: Allen Family Foods - Bankruptcy Notice

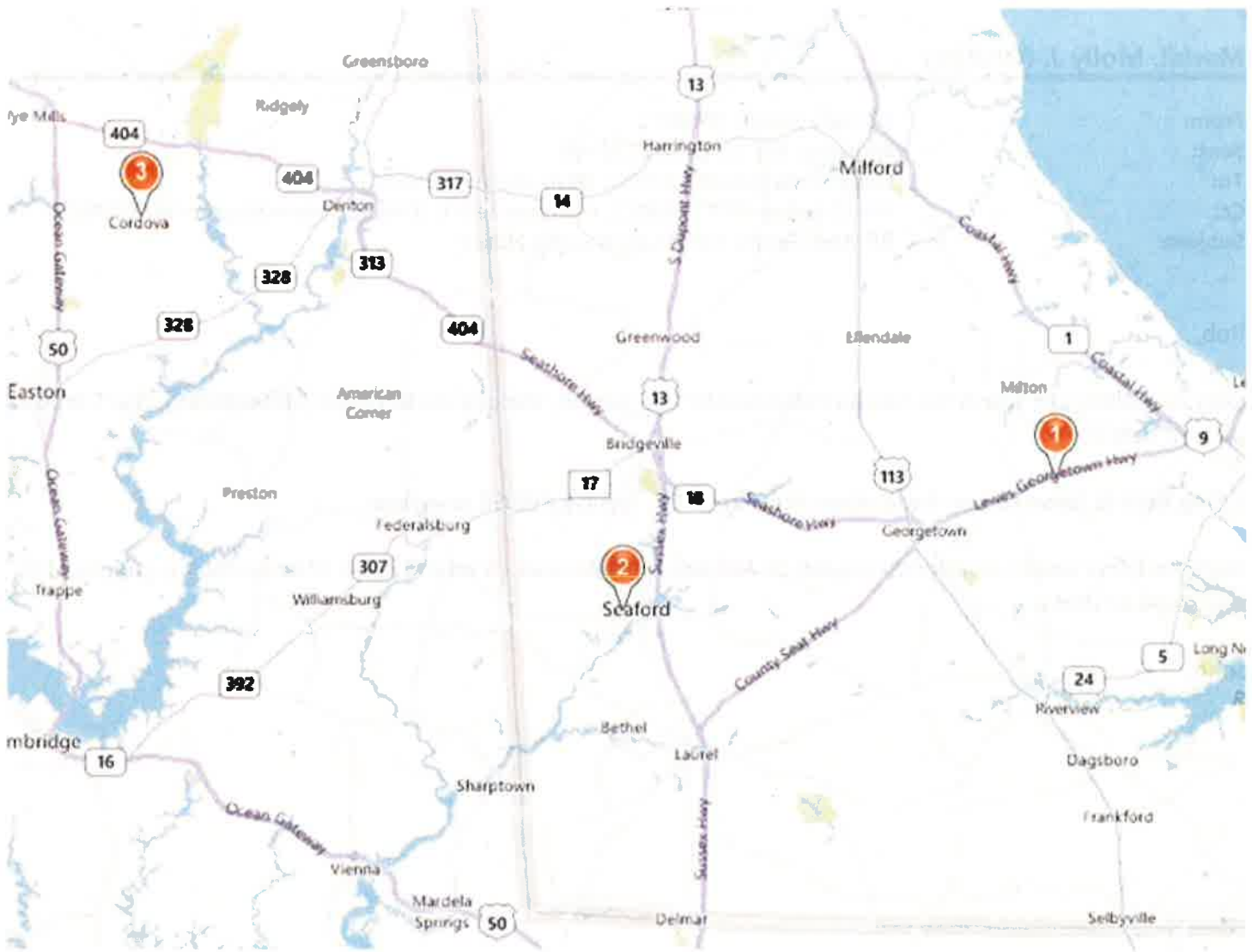
Rob,

Only one Allen's FF site in De. has an individual NPDES permit, the one in Harbeson (DE0000299), No. 1 in the picture below.

Cc'ing Beth & Steve to see if any other sites are in DE. & have SW GP coverage.

Radio last few weeks mentioned maybe 11 AFF sites in Delmarva. A new division of Mountaire is supposed to buy some of them.

John



John R. DeFriece, P.E.
 Program Manager I
 Discharge Permits Program
 Surface Water Discharges Section
 Division of Water Resources
 DNREC
 89 Kings Hwy.
 Dover, De. 19901

Phone: (302)739-9946
 Fax: (302)-739-8369

From: Underwood Robert (DNREC)
Sent: Thursday, July 21, 2011 10:58 AM
To: Davis Glenn F. (DNREC); Defriece John R. (DNREC)
Cc: Wirick Katherine R. (DNREC)
Subject: FW: Allen Family Foods - Bankruptcy Notice

FYI

From: Schneider John W. (DNREC)
Sent: Thursday, July 21, 2011 10:28 AM

To: Underwood Robert (DNREC)
Subject: FW: Allen Family Foods - Bankruptcy Notice

Rob—Do they have an NPDES permit? John

From: Parker Tracey W. (DNREC)
Sent: Thursday, July 21, 2011 6:40 AM
To: Baldwin Robert S. (DNREC); Barthelmeh Thomas G. (DNREC); Brower Daniel J. (DNREC); Cahall Brooks P. (DNREC); Enright Robert (DNREC); Gmuer Cheryl L. (DNREC); Grabowski Matthew T. (DNREC); Jones Lyle A. (DNREC); Leahy Brian M. (DNREC); Palmer Robert R. (DNREC); Piorko Frank M. (DNREC); Powell Michael S. (DNREC); Pratt Tony P. (DNREC); Rutherford Jamie H. (DNREC); Schneider John W. (DNREC); Smith Bradford L. (DNREC); Williams Charles E. (DNREC); Williams Stephen N. (DNREC)
Subject: FW: Allen Family Foods - Bankruptcy Notice

Please see Jenny's email below re: Allen Family Foods and respond accordingly.

Thanks.

*Tracey W. Parker
Support Services Administrator
DNREC, Financial Services
(302) 739-9145, 739-9940 or 739-9921
Fax (302) 739-6724*

From: Zink Rebecca A. (DNREC)
Sent: Wednesday, July 20, 2011 5:22 PM
To: Baxter Carol (DNREC); Cassell-Carter Carla M. (DNREC); Parker Tracey W. (DNREC); Leahy Brian M. (DNREC); Michalek Susan M. (DNREC)
Cc: Bachavala Ashwini S. (DNREC); Hurley Wanda S. (DNREC); Bothell Jennifer M. (DNREC)
Subject: FW: Allen Family Foods - Bankruptcy Notice

FYI~ please be advised of the Bankruptcy Notice below. Let Jenny know if you have anything outstanding to Jenny within the 10 day period.

Thanks
Becca

Rebecca A. Zink
Fiscal Administrative Officer
Financial Services, DNREC
Phone: 302.739.9903
Fax: 302.739.7014

From: Bothell Jennifer M. (DNREC)
Sent: Wednesday, July 20, 2011 1:24 PM
To: Zink Rebecca A. (DNREC); Vennard Christine (DNREC)
Subject: Allen Family Foods - Bankruptcy Notice

Hi Becca and Chris...We've received a notice of Bankruptcy for Allen Family Foods (attached, pdf), which is filing for a reorganization plan under Chapter 11. As this is a facility that may have multiple programs affected, I am forwarding this notice to you both for distribution to all Divisions/Programs fiscal offices so that we get a full picture of what permit fees, loans, grants, etc., may be owed to DNREC.

Please have those sections send a reply to me in 10 days if there are any outstanding fees/grants/loans, etc. owed, and I can coordinate the listing to send to Legal so that we have a DAG assigned to file a proof of claim if needed. There is not a date set yet for filing proof of claims, but wanted to get an idea how many claims there might be throughout the Department and get a legal request completed sooner than later, so we have an attorney assigned.

Off the top of my head, I am aware of Allen's having an Air permit and probably a NPDES permit as well. Thanks! Jenny.

Jennifer M. Bothell
Enforcement Coordinator
Office of the Secretary
Delaware Department of Natural Resources
and Environmental Control
89 Kings Highway
Dover, DE 19901
Phone: (302) 739-9037 or (302) 739-9000
Fax: (302) 739-6242
jennifer.bothell@state.de.us

Mackil, Molly J. (DNREC)

From: Janiga Paul J. (DNREC)
Sent: Thursday, September 08, 2011 5:37 PM
To: Davis Glenn F. (DNREC); Underwood Robert (DNREC); Defriece John R. (DNREC)
Subject: RE: Allen's Family Foods/Harim

This is obviously something that we will have to address in the next permit.

According to the company's DMRs, the recent storm event referenced in Glenn's email (where there was an observed discharge through 003) is the only time in the last 20 months that there was a discharge of storm water from either 002 or 003. (I only looked at DMRs from 2010 and 2011.) Whether that is actually true is unknown. I find it hard to believe that every drop of rainfall is diverted to the wastewater treatment plant. I suspect wet weather discharges from 002 and 003 have occurred, but went undetected.

Paul

From: Davis Glenn F. (DNREC)
Sent: Thursday, September 08, 2011 11:00 AM
To: Underwood Robert (DNREC); Defriece John R. (DNREC); Janiga Paul J. (DNREC)
Subject: RE: Allen's Family Foods/Harim

We have had some ongoing concerns with Outfalls 002 & 003 that convey storm water. Both outfalls have sumps and pumps to pump the storm water to the WWTP. Problems evolve during heavy rain events and they cannot confirm that all storm water was pumped back to the WWTP and that no storm water left the site. These two outfalls get most of their storm water runoff from the live hold area, and the runoff can be extremely high in BOD and nutrients. The area around the live hold area is not blacktopped and is stone/crush run. We have been trying to get this area and the storm water concerns fixed for several years, with minimal success. Recently, they did have a confirmed discharge from 003 (?) but were unable (due to safety problems) to get a sample. This is another item on my "hit list" to get some resolution.

As for expanding operations at the chicken processing . . . the WWTP is barely able to keep up with what they were getting. When processing increased their "Bird Count", the WWTP did struggle. Any discussion about significant production increases should be met with some concern. The WWTP could use some upgrades, as they are constantly fighting to keep things in good operating order.

I would be very happy to meet with anyone to discuss this further . . . but I do have some serious concerns on some of these issues going forward.

Thank you

Glenn F. Davis
State of Delaware - DNREC
Program Manager
Compliance & Enforcement Branch
Surface Water Discharges Section

Phone: 302-739-9946
Fax: 302-739-8369
glenn.davis@state.de.us

From: Underwood Robert (DNREC)
Sent: Thursday, September 08, 2011 10:33 AM
To: Davis Glenn F. (DNREC); Defriece John R. (DNREC); Janiga Paul J. (DNREC)
Subject: FW: Allen's Family Foods/Harim

Thoughts? I'd like to get a reply back to Jen and Dave as soon as possible but would like to ensure I include your comments/concerns.

Rob

From: Bothell Jennifer M. (DNREC)
Sent: Thursday, September 08, 2011 9:00 AM
To: Marker Nancy C. (DNREC); Underwood Robert (DNREC); Foster Paul (DNREC); Rutherford Jamie H. (DNREC); Faedtke James (DNREC)
Cc: Crofts Marjorie A. (DNREC); Mirzakhilili Ali (DNREC); Stiller Kathleen M. (DNREC); Piorko Frank M. (DNREC); Emory Patrick J. (DNREC)
Subject: Allen's Family Foods/Harim

Good morning everyone...Dave Small has asked that I check with your programs regarding any current or potential compliance concerns with Allen's Family Foods/Harim facilities. He also asked if any programs would have concerns if the facilities were to expand operations and if the permit transfer processes are going smoothly.

Dave is meeting with the company on Monday evening, so please have any concerns/issues/comments back to me by noon on Monday. Thank you! Jenny.

Jennifer M. Bothell
Enforcement Coordinator
Office of the Secretary
Delaware Department of Natural Resources
and Environmental Control
89 Kings Highway
Dover, DE 19901
Phone: (302) 739-9037 or (302) 739-9000
Fax: (302) 739-6242
jennifer.bothell@state.de.us

Mackil, Molly J. (DNREC)

From: Underwood Robert (DNREC)
Sent: Monday, September 19, 2011 9:01 AM
To: Defriece John R. (DNREC)
Cc: Davis Glenn F. (DNREC)
Subject: FW: DE0000299 Allen Harim Foods LLC -- Name Change

John,

I started to update the database to reflect we are sending out a copy of the permit reflecting the new name and I noted that someone wrote on 9-1-11

- “Sent out permit pg. 1, with modification re. ownership change.”

Should I assume that went out and now we are sending out a copy of the entire permit to the facility? Is that the process or have you talked with Glenn and we have it set up where someone is visiting the facility to go over the “old” permit and the requirements covered in that permit and the changes that will likely be included in the new permit?

Also please I say this next comment as humble and polite as I can. I see the updated permit and cover page is dated 8-31-11. I am seeing it for the first time today which is almost three weeks after it was dated. I am sure the blame is all mine and somehow it got lost in the shuffle and never seen by me. What I do expect from everyone and especially a manager is when a document is written and sent to anyone else for review, edit, signature or whatever that you still take ownership for the document. We cannot afford to drop off a document with someone else with the thought that it is now in their court and you are done with it. There is no way a document you were waiting to have signed should have sat with me for three weeks without you coming to me complaining that I was holding you up. I will always do my best to review things on time but there will be times when something gets lost in the shuffle and I need everyone to have ownership for their documents and facilities.

Thanks and let me know about the newly signed permit...have you spoken to Glenn and does he know it is coming or is the plan to mail it out to them??? Also what about the document that was mailed out on 9-1-11...how does that relate to the new permit with cover page?

Rob

From: Underwood Robert (DNREC)
Sent: Monday, September 19, 2011 8:20 AM
To: Davis Glenn F. (DNREC); Defriece John R. (DNREC); Wirick Katherine R. (DNREC)
Cc: Chase Marla K. (DNREC); Mackil Molly J. (DNREC); Krumrine Beth L. (DNREC)
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The permit reflecting the new name will be saved on the “F” drive under the NPDES permit folder. It was too big to send out ~10MB.

Rob

Robert Underwood
Environmental Program Manager II
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89 Kings Highway
Dover, De. 19901
Phone (302)739-9946 Fax (302)739-8369
Email: Robert.Underwood@state.de.us

Mackil, Molly J. (DNREC)

From: Mann Stephen M. (DNREC)
Sent: Thursday, July 21, 2011 12:19 PM
To: Krumrine Beth L. (DNREC); Defriece John R. (DNREC); Underwood Robert (DNREC); Davis Glenn F. (DNREC)
Cc: Wirick Katherine R. (DNREC)
Subject: RE: Allen Family Foods - Bankruptcy Notice

In Air Quality I had two Allen facilities, the hatchery in Delmar and the feed plant in Harbeson. Just something to check out. I never made time to follow up why both weren't in our program.

From: Krumrine Beth L. (DNREC)
Sent: Thursday, July 21, 2011 12:00 PM
To: Defriece John R. (DNREC); Underwood Robert (DNREC); Davis Glenn F. (DNREC)
Cc: Wirick Katherine R. (DNREC); Mann Stephen M. (DNREC)
Subject: RE: Allen Family Foods - Bankruptcy Notice

No. We don't have any other Allen's in our database. Thanks for letting us know though!

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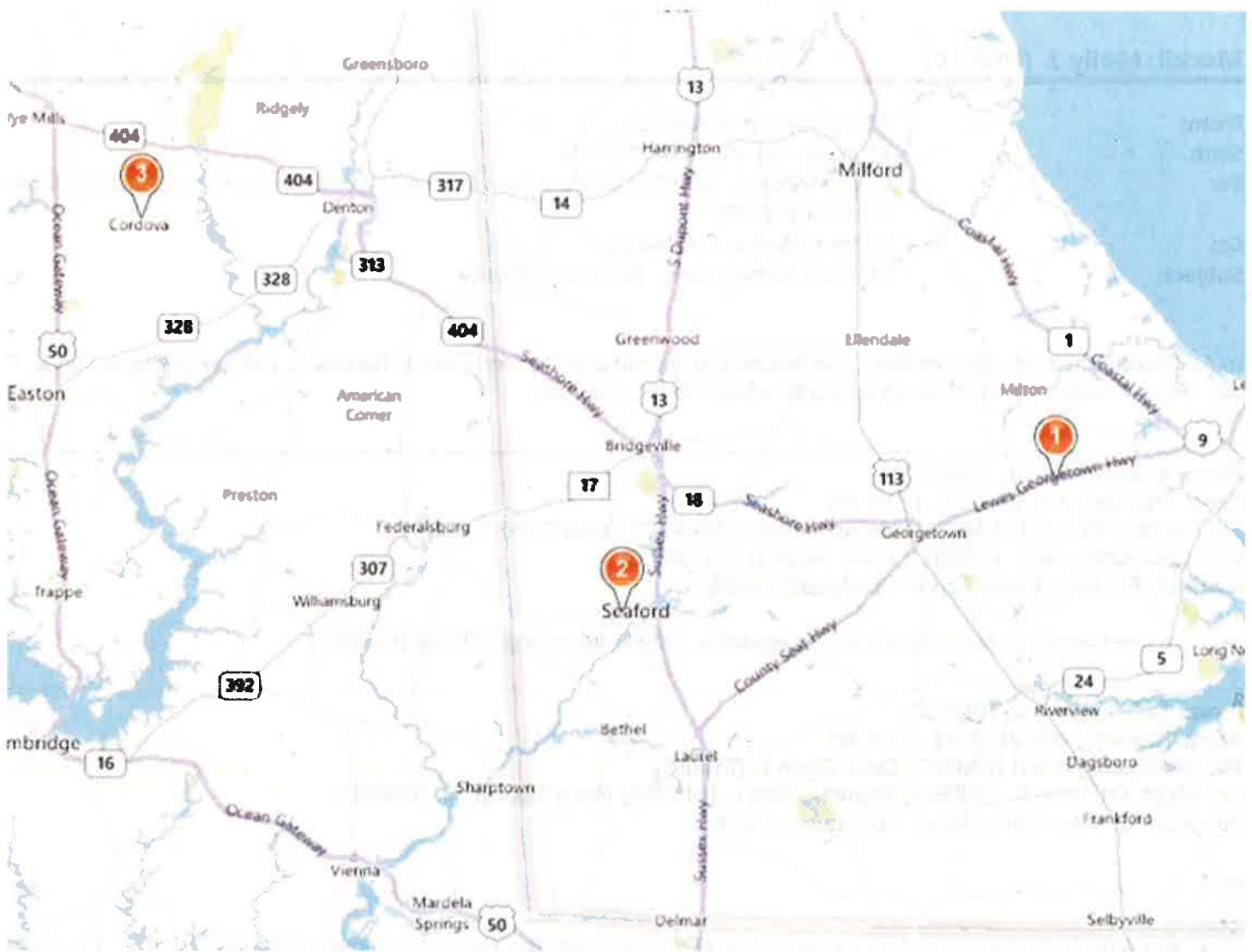
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Cc'ing Beth & Steve to see if any other sites are in DE. & have SW GP coverage.

Radio last few weeks mentioned maybe 11 AFF sites in Delmarva. A new division of Mountaire is supposed to buy some of them.

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Subject: FW: Allen Family Foods - Bankruptcy Notice

Please see Jenny's email below re: Allen Family Foods and respond accordingly.

Thanks.

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Cc: Bachavala Ashwini S. (DNREC); Hurley Wanda S. (DNREC); Bothell Jennifer M. (DNREC)
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Becca

Rebecca A. Zink
Fiscal Administrative Officer
Financial Services, DNREC
Phone: 302.739.9903
Fax: 302.739.7014

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To: Zink Rebecca A. (DNREC); Vennard Christine (DNREC)
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Jennifer M. Bothell
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jennifer.bothell@state.de.us

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Sent: Thursday, August 25, 2011 2:13 PM
To: 'LAParson@BPEnvironmental.net'
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Subject: Need specific date

Ms. Parson,

Permit pg. 22.

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 - 2) Submits to the Department a written agreement signed by all parties to the transfer, containing a specific date for transfer of permit responsibility, coverage and liability to the new permittee. The written agreement shall expressly acknowledge the current permittee is responsible and liable for compliance with the terms and conditions of this permit up to the date of transfer and the new permittee is responsible and liable for compliance from that date on; and
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John R. DeFriece, P.E.
Program Manager I
Discharge Permits Program
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Phone: (302)739-9946
Fax: (302)-739-8369

Mackil, Molly J. (DNREC)

From: Krumrine Beth L. (DNREC)
Sent: Thursday, October 14, 2010 11:44 AM
To: Defriece John R. (DNREC)
Subject: RE: AL-130-18; Harbeson; DE 0000299

This is what I love about the internet.

Beth Krumrine
Environmental Scientist
DNREC Surface Water Discharges Section
89 Kings Hwy.
Dover, DE 19901
302-739-9946

From: Defriece John R. (DNREC)
Sent: Thursday, October 14, 2010 9:03 AM
To: 'Gary Lasako'
Cc: Mann Stephen M. (DNREC); Krumrine Beth L. (DNREC)
Subject: RE: AL-130-18; Harbeson; DE 0000299

Gary,

You would need a Form 2F for a stormwater discharge for an individual permittee like Allen's.

DNREC Home Page: <http://www.wr.dnrec.delaware.gov/Pages/Default.aspx>

Water Division Home Page: <http://www.wr.dnrec.delaware.gov/Pages/Default.aspx>

Surface Water Discharges

Section: <http://www.wr.dnrec.delaware.gov/Services/Pages/SurfaceWaterDischarges.aspx>

Forms: <http://www.wr.dnrec.delaware.gov/Services/Pages/SurfaceWaterDischarges.aspx>

Form 2F: <http://www.epa.gov/npdes/pubs/3510-2F.pdf>

However, regulations do allow you to sample a stormwater outfall as "substantially identical to and representative of" another stormwater Outfall.

Delaware [Regulations Governing The Control Of Water Pollution](#)

"9.1.4.2.4 Representative Discharge

If any person subject to this Part reasonably believes that two or more outfalls discharge storm water substantially identical (based on consideration of industrial activity, Industrial Materials, management practices and activities within the area drained by the outfalls) that

person may test the discharges of one of such outfalls and report that the quantitative data also applies to the substantially identical outfall(s)."

Usually, if there are multiple stormwater outfalls, we would ask you at least sample the most contaminated one. If that one is ok, then the other SW outfalls should be too. If one is especially bad, it's best to just sample that one separately, and use some other SW outfall to represent the remaining SW outfalls. Note that federal regs. consider run-off from live animal holding areas as more like "process water" than "industrial stormwater", so you cannot use "live holding area" as representative of other "stormwater only" outfalls.

We don't ask for the other things you mentioned. We would ask for a construction permit application if the permittee was constructing changes in their wastewater system (collection, transmission, and treatment), unless the changes were trivial or "replacement in kind".

John

From: Gary Lasako [mailto:gklasako@bpenvironmental.net]
Sent: Thursday, October 14, 2010 8:06 AM
To: Defriece John R. (DNREC)
Subject: AL-130-18; Harbeson; DE 0000299

John,

As Allen's nears the completion of their NPDES Renewal Application for Harbeson, a few additional questions have been raised.

- 1) Discharge from Outfall 004 is composed of runoff generated from access driveways and the employee parking area; as such, it is composed entirely of non-process related storm water. This Outfall appears to have been added to the NPDES permit during the most recent renewal completed in May 2006. At that time DNREC imposed standard minimum requirements for this stormwater, "The discharge shall be free from floating solids, sludge deposits, debris, oil and scum." As Outfall 004 discharges only non-process related storm water, and because no sampling requirements are required in the current NPDES permit, no sampling is required for the completion of EPA Form 2C for this Outfall. Correct?
- 2) Besides EPA Form 1 and EPA Form 2C, are there any other forms and/or documentation that Allen's needs to complete for the permit renewal to be considered administratively complete? The most recent NPDES renewal we assisted with in Maryland required the completion of an NOI and a "Treatment Plant Classification," and the submission of workmen's compensation information. Does DNREC require any similar documents for the renewal? If so, can you direct us toward those forms?

Once again, thank you for your guidance and assistance.

Best Regards,

Gary Lasako
Field Scientist
BP Environmental, Inc.
P: 410.745.0919 / 302.629.6505
F: 410.745.0922 / 302.629.6722

From: Gary Lasako [mailto:gklasako@bpenvironmental.net]
Sent: Friday, October 08, 2010 7:55 AM
To: 'john.defriece@state.de.us'

Cc: 'Lou Ann Parson'

Subject: AL-130-18; Harbeson NPDES renewal

John,

It was nice speaking with you yesterday afternoon. As I stated, BP Environmental, Inc. is assisting Allen's in completing the NPDES Renewal Application for Harbeson. Per our conversation, we will obtain all the required data to complete EPA Form 2C – Item V for Outfall 001. For Outfalls 002 and 003, there has been no recordable discharge from these outfalls in the last three years, and this will be noted in the application.

Feel free to contact me, if needed.

Best Regards,

Gary Lasako

Field Scientist

BP Environmental, Inc.

P: 410.745.0919 / 302.629.6505

F: 410.745.0922 / 302.629.6722

Mackil, Molly J. (DNREC)

From: Defriece John R. (DNREC)
Sent: Thursday, October 14, 2010 9:03 AM
To: 'Gary Lasako'
Cc: Mann Stephen M. (DNREC); Krumrine Beth L. (DNREC)
Subject: RE: AL-130-18; Harbeson; DE 0000299

Gary,

You would need a Form 2F for a stormwater discharge for an individual permittee like Allen's.

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To: 'john.defriece@state.de.us'
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Best Regards,

Gary Lasako
Field Scientist

BP Environmental, Inc.

P: 410.745.0919 / 302.629.6505

F: 410.745.0922 / 302.629.6722

Mackil, Molly J. (DNREC)

From: Wirick Katherine R. (DNREC)
Sent: Friday, October 08, 2010 8:46 AM
To: Defriece John R. (DNREC)
Cc: Mackil Molly J. (DNREC); Chase Marla K. (DNREC); Underwood Robert (DNREC)
Subject: RE: AL-130-18; Harbeson NPDES renewal

They were actually sent a reminder letter on September 14th so that may be wanted prompted the phone call.

From: Defriece John R. (DNREC)
Sent: Friday, October 08, 2010 8:41 AM
To: Wirick Katherine R. (DNREC)
Cc: Mackil Molly J. (DNREC); Chase Marla K. (DNREC)
Subject: FW: AL-130-18; Harbeson NPDES renewal

Consultant called yesterday about the Allen's FF permit renewal application. So, they're on it and I don't think we need to send a reminder letter for them.

John

From: Gary Lasako [<mailto:gklasako@bpenvironmental.net>]
Sent: Friday, October 08, 2010 7:55 AM
To: Defriece John R. (DNREC)
Cc: 'Lou Ann Parson'
Subject: AL-130-18; Harbeson NPDES renewal

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Feel free to contact me, if needed.

Best Regards,

Gary Lasako
Field Scientist
BP Environmental, Inc.
P: 410.745.0919 / 302.629.6505
F: 410.745.0922 / 302.629.6722

Mackil, Molly J. (DNREC)

From: Mackil Molly J. (DNREC)
Sent: Friday, October 08, 2010 9:07 AM
To: Defriece John R. (DNREC)
Subject: RE: AL-130-18; Harbeson NPDES renewal

Didn't we send Allen FF a reminder letter on 9/14/10 (they were one of three that expired 4/30/11). Is Harbeson NPDES related?

M

From: Defriece John R. (DNREC)
Sent: Friday, October 08, 2010 8:41 AM
To: Wirick Katherine R. (DNREC)
Cc: Mackil Molly J. (DNREC); Chase Marla K. (DNREC)
Subject: FW: AL-130-18; Harbeson NPDES renewal

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Cc: 'Lou Ann Parson'
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Feel free to contact me, if needed.

Best Regards,

Gary Lasako
Field Scientist
BP Environmental, Inc.
P: 410.745.0919 / 302.629.6505
F: 410.745.0922 / 302.629.6722

Mackil, Molly J. (DNREC)

From: Krumrine Beth L. (DNREC)
Sent: Thursday, July 21, 2011 12:01 PM
To: Defriece John R. (DNREC); Underwood Robert (DNREC); Davis Glenn F. (DNREC)
Cc: Wirick Katherine R. (DNREC); Mann Stephen M. (DNREC)
Subject: RE: Allen Family Foods - Bankruptcy Notice

No. We don't have any other Allen's in our database. Thanks for letting us know though!

From: Defriece John R. (DNREC)
Sent: Thursday, July 21, 2011 11:33 AM
To: Underwood Robert (DNREC); Davis Glenn F. (DNREC)
Cc: Wirick Katherine R. (DNREC); Krumrine Beth L. (DNREC); Mann Stephen M. (DNREC)
Subject: RE: Allen Family Foods - Bankruptcy Notice

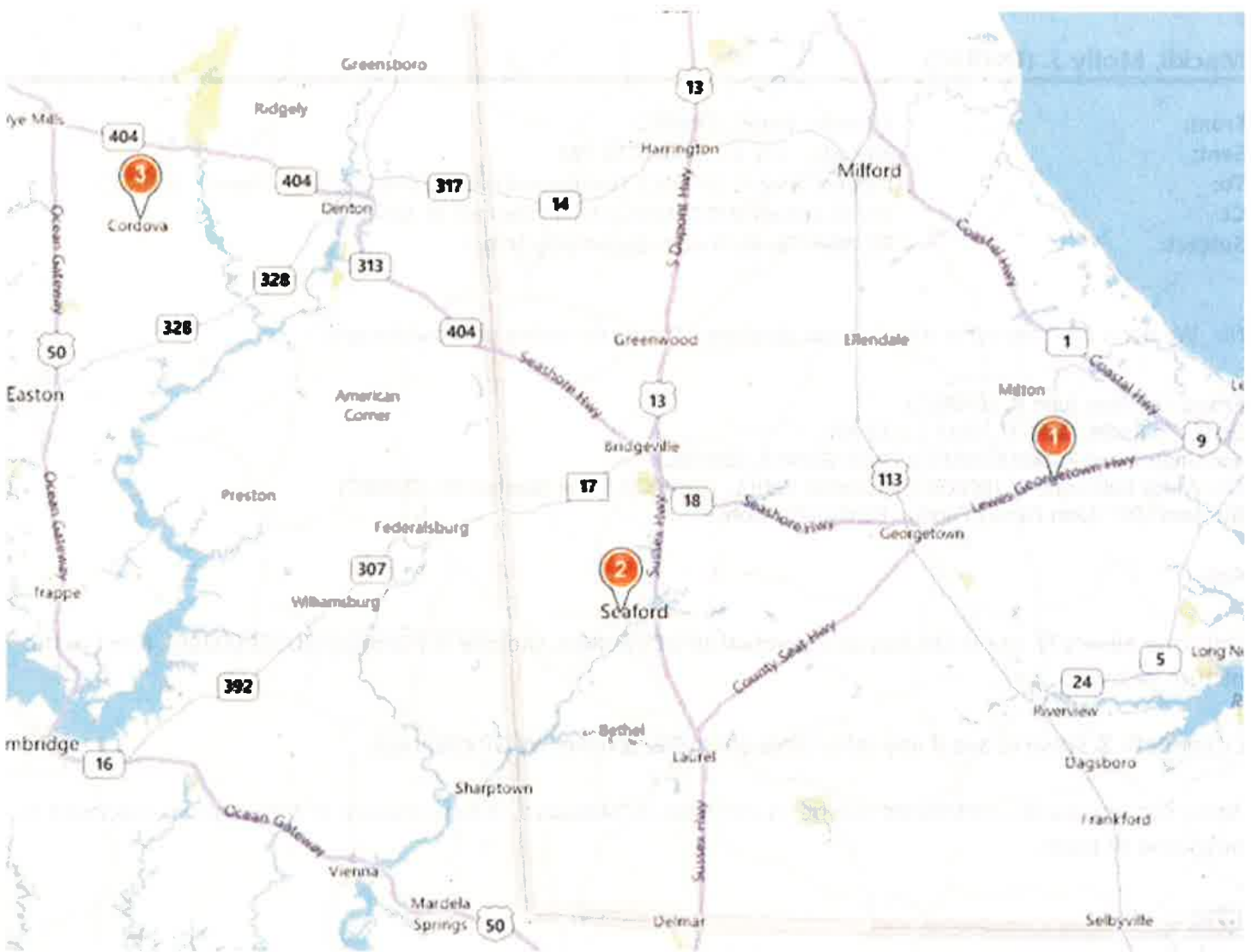
Rob,

Only one Allen's FF site in De. has an individual NPDES permit, the one in Harbeson (DE0000299), No. 1 in the picture below.

Cc'ing Beth & Steve to see if any other sites are in DE. & have SW GP coverage.

Radio last few weeks mentioned maybe 11 AFF sites in Delmarva. A new division of Mountaire is supposed to buy some of them.

John



John R. DeFriece, P.E.
 Program Manager I
 Discharge Permits Program
 Surface Water Discharges Section
 Division of Water Resources
 DNREC
 89 Kings Hwy.
 Dover, De. 19901

Phone: (302)739-9946
 Fax: (302)-739-8369

From: Underwood Robert (DNREC)
Sent: Thursday, July 21, 2011 10:58 AM
To: Davis Glenn F. (DNREC); Defriece John R. (DNREC)
Cc: Wirick Katherine R. (DNREC)
Subject: FW: Allen Family Foods - Bankruptcy Notice

FYI

From: Schneider John W. (DNREC)
Sent: Thursday, July 21, 2011 10:28 AM

To: Underwood Robert (DNREC)
Subject: FW: Allen Family Foods - Bankruptcy Notice

Rob—Do they have an NPDES permit? John

From: Parker Tracey W. (DNREC)
Sent: Thursday, July 21, 2011 6:40 AM
To: Baldwin Robert S. (DNREC); Barthelmeh Thomas G. (DNREC); Brower Daniel J. (DNREC); Cahall Brooks P. (DNREC); Enright Robert (DNREC); Gmuer Cheryl L. (DNREC); Grabowski Matthew T. (DNREC); Jones Lyle A. (DNREC); Leahy Brian M. (DNREC); Palmer Robert R. (DNREC); Piorko Frank M. (DNREC); Powell Michael S. (DNREC); Pratt Tony P. (DNREC); Rutherford Jamie H. (DNREC); Schneider John W. (DNREC); Smith Bradford L. (DNREC); Williams Charles E. (DNREC); Williams Stephen N. (DNREC)
Subject: FW: Allen Family Foods - Bankruptcy Notice

Please see Jenny's email below re: Allen Family Foods and respond accordingly.

Thanks.

*Tracey W. Parker
Support Services Administrator
DNREC, Financial Services
(302) 739-9145, 739-9940 or 739-9921
Fax (302) 739-6724*

From: Zink Rebecca A. (DNREC)
Sent: Wednesday, July 20, 2011 5:22 PM
To: Baxter Carol (DNREC); Cassell-Carter Carla M. (DNREC); Parker Tracey W. (DNREC); Leahy Brian M. (DNREC); Michalek Susan M. (DNREC)
Cc: Bachavala Ashwini S. (DNREC); Hurley Wanda S. (DNREC); Bothell Jennifer M. (DNREC)
Subject: FW: Allen Family Foods - Bankruptcy Notice

FYI~ please be advised of the Bankruptcy Notice below. Let Jenny know if you have anything outstanding to Jenny within the 10 day period.

Thanks
Becca

Rebecca A. Zink
Fiscal Administrative Officer
Financial Services, DNREC
Phone: 302.739.9903
Fax: 302.739.7014

From: Bothell Jennifer M. (DNREC)
Sent: Wednesday, July 20, 2011 1:24 PM
To: Zink Rebecca A. (DNREC); Vennard Christine (DNREC)
Subject: Allen Family Foods - Bankruptcy Notice

Hi Becca and Chris...We've received a notice of Bankruptcy for Allen Family Foods (attached, pdf), which is filing for a reorganization plan under Chapter 11. As this is a facility that may have multiple programs affected, I am forwarding this notice to you both for distribution to all Divisions/Programs fiscal offices so that we get a full picture of what permit fees, loans, grants, etc., may be owed to DNREC.

Please have those sections send a reply to me in 10 days if there are any outstanding fees/grants/loans, etc. owed, and I can coordinate the listing to send to Legal so that we have a DAG assigned to file a proof of claim if needed. There is not a date set yet for filing proof of claims, but wanted to get an idea how many claims there might be throughout the Department and get a legal request completed sooner than later, so we have an attorney assigned.

Off the top of my head, I am aware of Allen's having an Air permit and probably a NPDES permit as well. Thanks! Jenny.

Jennifer M. Bothell
Enforcement Coordinator
Office of the Secretary
Delaware Department of Natural Resources
and Environmental Control
89 Kings Highway
Dover, DE 19901
Phone: (302) 739-9037 or (302) 739-9000
Fax: (302) 739-6242
jennifer.bothell@state.de.us

Mackil, Molly J. (DNREC)

From: Chase Marla K. (DNREC)
Sent: Wednesday, August 31, 2011 12:46 PM
To: Underwood Robert (DNREC); Defriece John R. (DNREC)
Subject: Updated Permit and letter for Allen Harim Foods
Attachments: Allen Permit_Final 20110825.doc; Allen_Harim OwnershipChange L_20110830.docx

Here is a copy of the permit and letter after my corrections.

Marla Chase
Administrative Specialist
DNREC / Division of Water
Surface Water Discharges Section
E-mail: Marla.Chase@State.de.us
Tel: (302) 739-9946 / Fax: (302) 739-8369

Mackil, Molly J. (DNREC)

From: DeFriece, John R. (DNREC)
Sent: Friday, April 12, 2013 1:46 PM
To: Roushey, Jennifer S. (DNREC); Ashby, Bryan A. (DNREC); Hummel, Anthony E. (DNREC)
Cc: Davis, Glenn F. (DNREC); Smith, Nicole (DNREC); Cleaver, Chris (DNREC)
Subject: Work for Re-issuing Allen Harim & Perdue
Attachments: Allen_and_Perdue_vs_TMDL.Perdue_Metals.xlsx

Jenn,

You asked me to check how difficult/complicated reissuance of the Allen Harim and Perdue permits will be.

Upshot, The Broadkill TMDL TN requirements will be very tough on both permittees, but the permit TMDL contents are probably already dictated, "Put in the TMDL requirements and propose a 5 year compliance schedule to meet those requirements."

The Broadkill TMDL affects both Allen Harim and Perdue. It cuts allowable load discharges for both to $<1/3$ of loads currently allowed in the permits. I am not sure yet if the TMDL allocation for Allen is just for 001, or is for $\Sigma(001+002)$; that would make TMDL requirements even tougher for Allen.

	Total Nitrogen (lbs/day)		Total Phosphorus (lbs/day)		Enterococcus Load ¹ (CFU/day)	
	<u>TMDL</u>	Current	<u>TMDL</u>	Current	<u>TMDL</u>	Current
Allen Harim (1.25 mgd)	73.0	001 = 467.0 002 = 103.0 ppm	5.21	001 = 15.0 002 = N/A	4.73e+09	001 = 33.0 avg. col/100mL 002 = 185 max. col/100mL
Perdue Georgetown (2.0 mgd)	116.8	906	8.34	25.0	7.57E+09	100 avg., 185 max. col/100 mL
Note 1. TMDL requirements are "load"; permit requirements are "concentration". The attachment converts DMR concentration results to "loads", and compares results to the TMDL requirements.						

Looks like the "Live holding area" ELGs are already in both permits.

I checked data since 2008, to see how they are doing vis-à-vis the TMDL reqs.

The attachment summarizes performance vs. TMDL requirements, and metals issues for Perdue..

Sheet	Shows
1	TMDL requirements vs. current Permit requirements
2	Allen Harim TN, TP and Enterococcus vs. TMDL requirements
3	Perdue TN, TP and Enterococcus vs. TMDL requirements
4	Perdue Metals vs. WQ Requirements, and Net Addition

TP & Enterococcus probably would not be too hard to meet. TN would require expensive upgrades, or some alternative to stream discharge (not likely in Perdue's case). TP for Perdue has the added issue of Al (used to remove TP) dinging the WQS.

In addition to the TMDL, Perdue has had issues with Al, Cu and Zn. All 3 are above the WLA (waste load allocation ... basically the WQS with allowance for dilution). Data show a pretty plausible case to continue to consider Cu and Zn as pass-through from the intake, and "natural conditions". Perdue has added aluminum sulfate to reduce TP, so "net aluminum vs. intake" is not a permitting option. With the low dilution, the Al added can become a problem; ferric sulfate might be an option. From conversation with the permittee, they prefer aluminum sulfate, since it is less expensive than ferric sulfate.

John

P.S. The 2010 305(b) Report & 303(d) List is still current. See

<http://www.dnrec.delaware.gov/swc/wa/Pages/WatershedAssessment305band303dReports.aspx>. The spreadsheet version has been moved to [F:\SURFACE WATER\NPDES \(from F Drive\)\SpreadSheets](F:\SURFACE WATER\NPDES (from F Drive)\SpreadSheets).

John R. DeFriece, P.E.
Environmental Engineer IV
Discharge Permits Program
Surface Water Discharges Section
Division of Water Resources
DNREC
89 Kings Hwy.
Dover, De. 19901

Phone: (302)739-9946

Fax: (302)-739-8369

Supporting Info.

<http://regulations.delaware.gov/AdminCode/title7/7000/7400/7418.shtml#TopOfPage>

2.0 Total Maximum Daily Loads (TMDLs) Regulation for Broadkill River

Article 1. The **total nitrogen** load from the four point source facilities in the Broadkill River watershed (Town of Milton, Allen Family Foods, Perdue Georgetown, and SAW Georgetown) shall be limited to 245.6 pounds per day. The nitrogen waste load allocation for each facility includes: 36.5 pounds per day for the Town of Milton, **73.0 pounds per day for Allen Family Foods**, **116.8 pounds per day for Perdue Georgetown**, and 19.3 pounds per day for SAW Georgetown.

Article 2. The **total phosphorous** load from the four point source facilities in the watershed (Town of Milton, Allen Family Foods, Perdue Georgetown, and SAW Georgetown) shall be limited to 28.0 pounds per day. The phosphorous waste load allocation for each facility includes: 13.1 pounds per day for the Town of Milton, **5.21 pounds per day for Allen Family Foods**, **8.34 pounds per day for Perdue Georgetown**, and 1.38 pounds per day for SAW Georgetown.

Article 3. The **enterococcus** bacteria load from the four point source facilities in the watershed (Town of Milton, Allen Family Foods, Perdue Georgetown, and SAW Georgetown) shall be limited to 1.67E+09 colony forming units (CFU) per day. The **enterococcus** bacteria waste load allocation for each facility includes: 4.37E+08 CFU per day for the Town of Milton, **4.73E+09 CFU per day for Allen Family Foods**, **7.57E+09 CFU per day for Perdue Georgetown**, and 1.25E+09 CFU per day for SAW Georgetown.